



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.                                                                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/773,215                                                                      | 02/09/2004  | Chin-Pei Lin         | P05025              | 6745             |
| 40401                                                                           | 7590        | 03/09/2006           | EXAMINER            |                  |
| HERSHKOVITZ & ASSOCIATES<br>1725 I STREET NW, SUITE 300<br>WASHINGTON, DC 20006 |             |                      | GARCIA, ERNESTO     |                  |
|                                                                                 |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                                 |             |                      | 3679                |                  |

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/773,215

**Applicant(s)**

LIN, CHIN-PEI

**Examiner**

Ernesto Garcia

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006 and 02/09/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 5-8, 10-12 and 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Election of Species***

Applicant's election with traverse of species I, claims 1-4, 9, 11, and 13, in the reply filed on 1/10/2005 is acknowledged. The traversal is on the ground(s) that as much as the examiner has not shown the generic claim to not being allowable, the restriction is improper. This is not found persuasive because the examiner does not have to show that a generic claim is not allowable at the time that the election requirement is made. In any event, the examiner has found that the generic claim is not allowable. See rejections below.

The requirement is still deemed proper and is therefore made FINAL.

With respect to claim 11, applicant indicated that claim 11 was readable upon the elected species. The examiner finds claim 11 not readable upon the elected species because the elected species does not contain an L-shaped body with at least three connecting portions.

Claims 5-8, 10-12, and 14-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable

generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/10/2005.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the body being a rectangular body with four ends (claim 9) in Figures 7A and 7B must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. According to Figure 7A, the body has the shape of a T-shaped body with three ends, and according to Figure 7B, the body has a cross-shaped body and is not rectangular.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

regarding claim 1, --the-- needs to be inserted before “ends” in line 3, and “at least one connecting portion” should be --the connecting portions--.

For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 9, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, what constitutes a “do-it-yourself” assembly piece? It appears that this recitation is merely the recitation of a purported merit.

Regarding claim 9, how does a "rectangle" have four ends? According to a rectangle, it has four sides, but only two are "ends".

Regarding claim 13, the limitation "a long body" makes unclear whether this is another body than that recited in claim 1, line 2, or the same body.

Regarding claims 2-4, the claims depend from claim 1 and therefore are indefinite.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Adelman, 3,537,687.

Regarding claim 1, Adelman discloses, in Figure 1, a do-it-yourself assembly construction piece comprising a body **18** with multiple ends and a thickness. At least one connecting portion **26,28** extends respectively from the ends of the body **18**. The at

Art Unit: 3679

least one connecting portion **26,28** has a through hole **30,31**, a convex distal edge **14,16**, and a thickness half the thickness of the body **18**. The body **18** has a concave face **32,34** formed concentric with the through hole **30,31** in each connecting portion **26,28**.

Regarding claim 2, the body **18** is a straight body **18** with two of the ends.

Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Desard, 6,368,013.

Regarding claim 1, Desard discloses, in Figure 3 and 9b, a do-it-yourself assembly construction piece comprising a body **A1** (see marked-up attachment) with multiple ends and a thickness. At least one connecting portion **60,61** extends respectively from the ends of the body **A1**. The at least one connecting portion **60,61** has a through hole **68**, a convex distal edge **A6**, and a thickness half the thickness of the body **A1**. The body **A1** has a concave face **A7** formed concentric with the through hole **68** in each connecting portion **60,61**.

Regarding 3, the body **A1** is a bent longitudinal body **A1** with two of the ends, an inner side and an outer side. The connecting portion **60,61** of each of the ends is formed on the outer side (see Figure 3).

Regarding claim 13, the assembly construction piece has the body being a long body **A1** with two of the ends bent in different directions and the ends are parallel to each other.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desard, 6,368,013.

Regarding claim 4, the body **A1** is a bent longitudinal body **A1** with two of the ends, an inner side, and an outer side. However, the connecting portion **60,61** of each of the end is not on the inner side, but the outer side. Applicant is reminded that a mere reversal of the essential working parts of a device involves only routine skill in the art; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the connecting portions on either the inner side or the outer side as either orientation will allow a connection. *In re Einstein*, 8 USPQ 167.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

March 6, 2006

Attachment: one marked-up page of Desard, 6,368,013



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

